

September 3, 2003 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

03AN0331

Timothy Durbin

Bermuda Magisterial District  
4507 Wellington Farms Drive

**REQUEST:** Special Exception to permit the keeping of four (4) dogs in a Residential (R-25) District.

**RECOMMENDATION**

Recommend denial of this Special Exception for the following reasons:

- A. Special Exception may adversely affect the health, safety or welfare of persons residing on the premises or in the area.
- B. Special Exception may impair the character of the district.
- C. Use may reduce or impair the value of buildings or property in surrounding areas.

**GENERAL INFORMATION**

**Location:**

Property is located at 4507 Wellington Farms Drive. Tax ID 785-661-2703 (Sheet 26).

**Existing Zoning:**

R-25

**Size:**

0.6 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-25; Vacant  
South - R-25; Vacant  
East - R-25; Residential  
West - R-25; Residential and vacant

Utilities:

Public water and sewer

General Plan:

( <u>Chester Village Plan</u> )	Residential (1.50 units per acre or less)
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DISCUSSION

The applicant requests a Special Exception to permit the keeping of four (4) dogs in a Residential (R-25) District.

The applicant provides the following information in support of this request:

This is a request to maintain our four (4) adult dogs in our home at 4507 Wellington Farms Drive, Chester. Our dogs are house pets and live in the home with us. They are not kenneled outside the dwelling and are never outside the home without being on a leash and under our positive control. All four (4) dogs are neutered and fully trained as family pets. They are not vicious in any way and are totally friendly to other people and animals. We have never had a complaint that any of our dogs was a disturbance or nuisance in any manner. This request will in no way be detrimental to adjacent property, the surrounding neighborhood, the county in general, or to anyone. Our dogs pose no noise nuisance as they live in the home with us. Claudia Durbin is a homemaker and cares for the dogs during the day while Timothy is at work. We walk the dogs morning and night on a leash and ensure we pick up all droppings disposing of them properly to not create a waste nuisance. The dogs are fully trained and under leash and voice control at all times thus posing no traffic hazard or nuisance in the neighborhood. The dogs receive all health care from Doctors Lyne and Johnson at the Chester Veterinary Clinic. They are well maintained and are in excellent health. Our home where the dogs live with us is immaculate and open for inspection by anyone in the Chesterfield County government at any time.

Staff notes the Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicant was in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-25) District. This request is in response to staff's investigation.

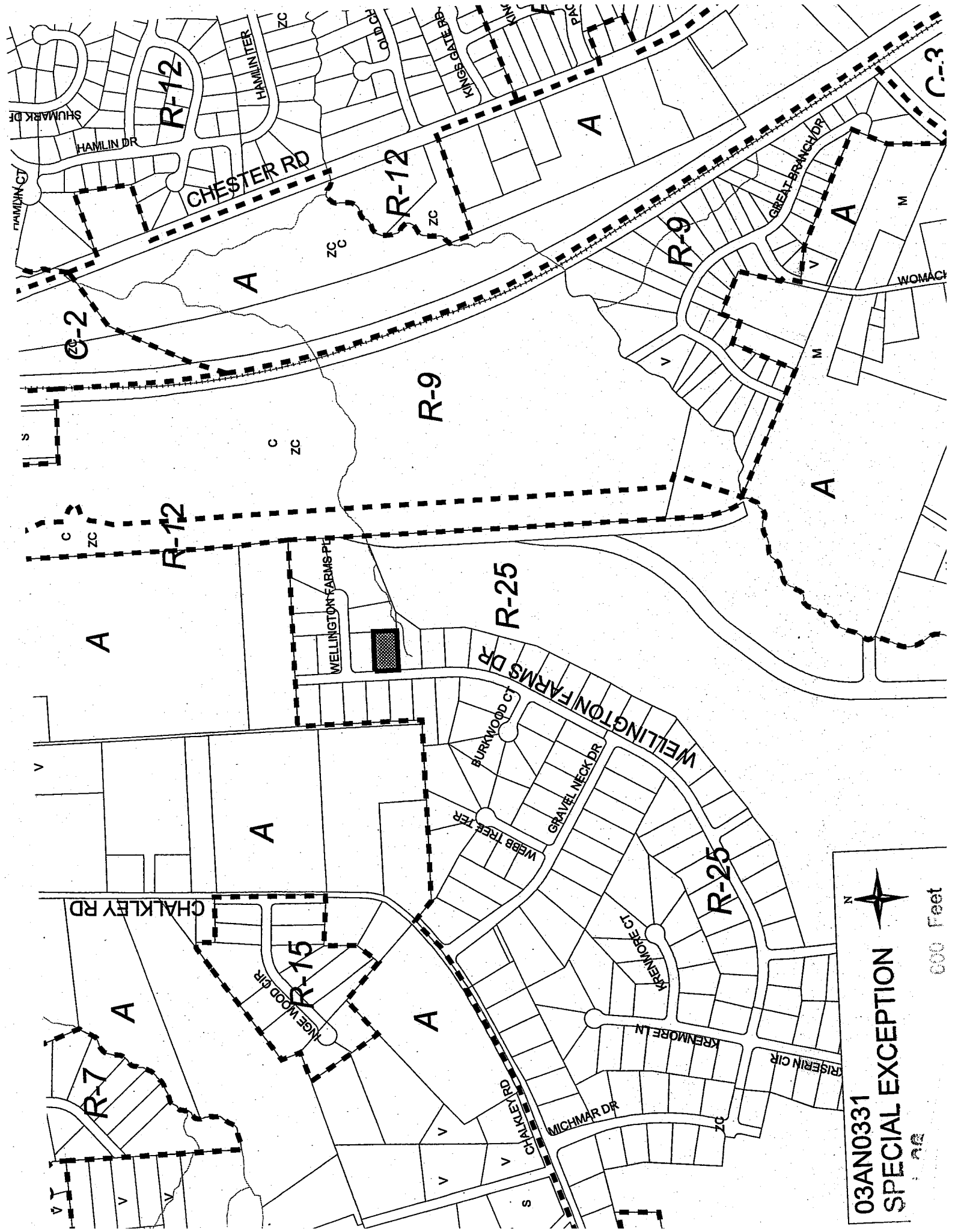
Staff believes that this type of request may have an adverse affect on the character of the area and may adversely affect the welfare or persons residing or working in the area because the noise produced by four (4) dogs may create a nuisance.

Staff believes that imposing conditions will not mitigate the negative impact that this use may have on this area. Although the yard is adequately maintained and the dogs walked on a leash, the number of dogs may be a nuisance to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

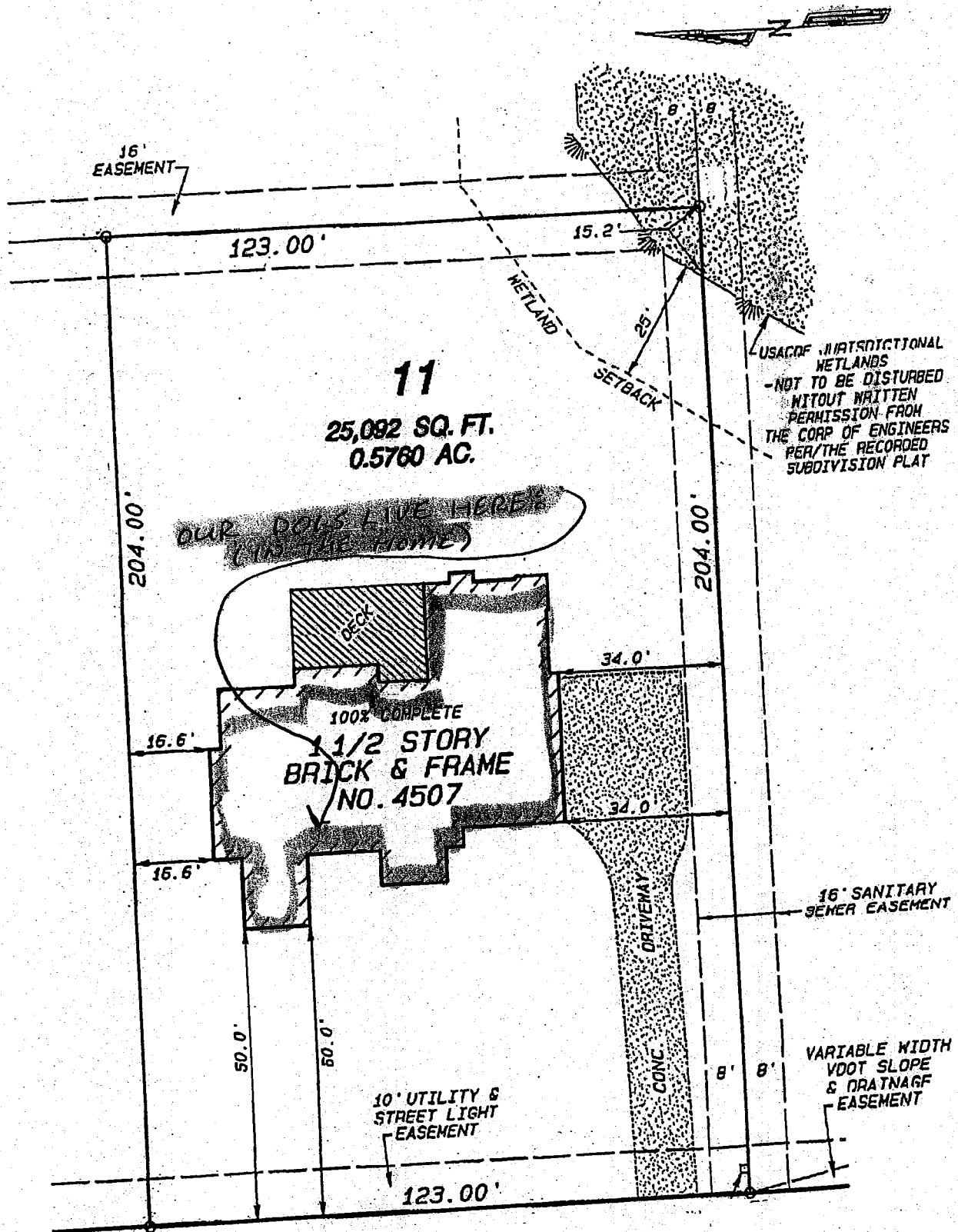
#### CONDITIONS

1. Special Exception shall be granted to and for Timothy Durbin, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these four (4) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be confined to the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within a fenced in yard.
4. Should any one (1) of the dogs be sold, given or pass away, it shall not be replaced.
5. The applicant shall not breed or board dogs on this property.
6. The applicant shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



03AN0331  
SPECIAL EXCEPTION

600 Feet



WELLINGTON FARMS DRIVE

03AN03